

Difficult Donations

Will new legislation make it easier for bereaved Orthodox families to donate their loved ones' organs?

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NOBODY KNOWS HOW LONG IT WAS UNTIL someone noticed her. When they did, on that fatal day in late February, Halleli Nechama Walfish, aged 18 months, was unconscious with a cord attached to a play device wrapped lethally around her neck. It happened in the toddler's preschool in the West Bank settlement of Tekoa, seven kilometers south of Bethlehem.

Halleli's father, Shlomo, a rabbinical student, grew up in the settlement. Her mother, Aviyah, is a university student, with an eye toward becoming an art therapist. They are both in their twenties and live a modern Orthodox lifestyle. Halleli was their first and only child.

The nursery teacher found the asphyxiated child and tried to resuscitate her. The school alerted Aviyah, who was doing errands in Jerusalem, and Shlomo, who was studying at the yeshiva on the settlement. Assisted by a local paramedic, he, too, tried to revive her. She was then sped by ambulance to the Shaare Zedek Medical Center in Jerusalem. Placed on a ventilator, she never awoke and was declared brain dead three weeks later. Sholom played his guitar at the toddler's pediatric intensive care unit bedside in the vain hope of stirring a reaction.

With the support and advice of their families, doctors and rabbis who entered the tragic picture – and after making up their own minds – Shlomo and Aviyah accepted the brain death diagnosis as proof of the termination of life and decided to donate her vital organs, giving four desperately ill children a new lease on life.

Transported on the evening of March 20 by special ambulance to Schneider's Children Hospital in Petah Tikvah, Halleli was removed from life support and a marathon organ transplantation got under way. Her heart was given to a 13-month-old girl, suffering from cardiac muscle disease, Israel's youngest heart transplant patient ever, and her liver went to an 18-month-old girl who had been en route to the airport with her parents for treatment in a Miami, Florida, hospital when they got the call from the hospital here.

Halleli's kidneys were harvested and transplanted into two children, ages 3 and 7, by coincidence both Arab citizens of Israel, suffering from kidney disease. Halleli was buried in Tekoa the next day.

Days later, the families of two young people who died unexpectedly – a soldier from Holon who perished when a friend's gun misfired and killed him and the sudden death from a lethal virus of an 18-year-old woman from Kfar Saba – also donated their organs for transplantation.

BUT GETTING ORGANS FOR TRANSPLANTS IN ISRAEL is not usually as easy as all that. Israel has a low instance of organ donorship and Israelis frequently travel overseas to undergo



NEW LEASE ON LIFE: This 13-month-old girl, suffering from a severe cardiac disease, received Halleli Walfish's heart at the Schneider's Children Hospital in Petah Tikvah

COURTESY SCHNEIDER CHILDREN'S HOSPITAL

transplants which cost millions; others die waiting for organs. Experts say a main reason for the acute organ shortage in Israel has been the lack of a coherent policy on transplants, which is fueled by religious and cultural reluctance in determining the moment of death, and a long-term dispute between doctors and rabbis on related issues.

Halleli's donations and the late-March events coincided with the passage of the new law on brain and respiratory death, initiated by Knesset Member Otniel Schneller (Kadima), which may help overcome the shortage of organs. The legislation is designed to regulate organ donations in compliance with Jewish religious law and to mitigate Orthodox opposition to the determination of brain death as actual death (a situation which is medically preferable for transplants over cardiac death, which *haredim* insist is actual death). The private bill had broad support, including that of the modern-Orthodox camp and, surprisingly, even the ultra-Orthodox Shas Sephardi party whose spiritual guru, Rabbi Ovadia Yosef, has long objected to "automatic transplantation" in the case of a brain death determination. Schneller was also able to overcome the 20-year dispute between the Chief Rabbinate and the Israel Medical Association over who had jurisdiction to determine death, doctors or rabbis, by devising an extraordinary dialogue process.

The legislation passed by 38 votes to 17, on March 24, 2008. The law goes into effect on May 1. Leading the opposition was Ashkenazi ultra-Orthodox United Torah Judaism (UTJ), which voted against the legislation. That camp's decision-makers and interpreters of Jewish religious law have argued (and continue to do so) that brain death is not death. MK Moshe Gafni (UTJ) told the Knesset on the day the law was passed: "A brain dead person is a living being." There were disagreements within UTJ. Knesset Member Avraham Ravitz, a colleague of Gafni's, who suffered from kidney disease for many years and received a kidney donation from a son in recent years, supports the new law.

